

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAHA GLOBAL INC., and ALI AGHAEI,

Plaintiffs,

-against-

TD BANK, N.A.,

Defendant.

ORDER

24-CV-5800 (PMH)

PHILIP M. HALPERN, United States District Judge:

Defendant removed this action from the Supreme Court of the State of New York, County of Westchester, on July 31, 2024. (Doc. 1). On August 28, 2024, Defendant filed a letter requesting a pre-motion conference concerning its anticipated motion to dismiss the Complaint. (Doc. 7). The Court directed Plaintiffs to respond to Defendant’s pre-motion letter by September 10, 2024. (Doc. 9). The Court was advised, via a September 9, 2024 email communication, that Plaintiffs seek a 30-day stay of this matter to allow Plaintiffs time to secure new counsel. On September 12, 2024, the Court issued an Order: (i) denying Plaintiffs’ request for a stay of proceedings; (ii) granting an extension of time to October 10, 2024 for Plaintiffs to respond to Defendant’s letter requesting a pre-motion conference; and (iii) directing that a notice of appearance be filed by new counsel for Plaintiffs by October 10, 2024. (Doc. 10). Plaintiff’s former counsel advised the Court, via a September 19, 2024, email communication, that he served a copy of the Order (Doc. 10) on Plaintiffs.¹ There has been no activity on the docket since then.

Accordingly, Plaintiffs’ time to respond to Defendant’s letter requesting a pre-motion conference is extended to 30 days from the date of this Order. Moreover, Plaintiffs are directed to

¹ Counsel for Defendant is listed as a recipient in each of the above referenced email communication. Former counsel for Plaintiffs advised that they are “actively working to register for e-filing privileges with this court” and “will upload [this request] accordingly once access is granted.”

obtain new counsel within 30 days from the date of this Order. If the individual Plaintiff intends to represent himself, he must submit his mailing address, telephone number, and email address to the Court within 30 days. The Court reminds Plaintiffs that a corporation may only appear in federal court through a licensed attorney; it may not appear *pro se*. See 28 U.S.C. § 1654; *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 202 (1993); *Grace v. Bank Leumi Trust Co. of NY*, 443 F.3d 180, 192 (2d Cir. 2006). If Plaintiffs fail to have new counsel file a notice of appearance and the individual Plaintiff fails to notify the Court in writing that he is electing to proceed *pro se* within 30 days, the matter may be dismissed without prejudice.

Counsel for Defendant is directed to serve a copy of this Order on Plaintiffs by October 22, 2024, and file proof of service on the docket.

Dated: White Plains, New York
October 15, 2024

SO ORDERED:



Philip M. Halpern
United States District Judge